IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SUO MOTU CONTEMPT PETITION NO. 2 OF 2004

High Court .. Petitioner

V/s

Meena Arun Navalkar .. Respondent

Mr.P.M. Patwardhan for the Petitioner.

Respondent in person.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 29TH JUNE 2005

P.C. :

1. The Respondent - Contemnor is present in person. She has filed an affidavit affirmed on 28th June 2005. She has tendered unconditional apology for various acts which are prima facie found to be contemptuous by another Division Bench as recorded in its order passed on 4th November 2004 in L.P.A. Nos.19 and 20 of 1992. She has also stated that she will be more vigilant and careful in future.

2. We have seen the above referred order passed by the Division Bench. The order records various utterances and the conduct of the contemnor. She is an advocate, though she is a litigant in that matter. Every litigant must observe some decorum. The judges

are only deciding the lis between the parties. A litigant is not expected to attribute motives to the judges. That apart, when the litigant is a lawyer, we expect much better conduct. In the present case, as recorded in the above referred order of the Division Bench, a number of things seems to have occurred during the course of the proceedings before the Division Bench leading to the suo motu notice for contempt. We quite see the agony of our brother judges and for a moment, we are not saying that they were not justified in drawing the prima facie inference that they have drawn.

3. Having stated as above, we however note that the contemnor is an advocate, is a lady of senior age and is not in good health apart from being a litigant in this long drawn matrimonial dispute. It is quite possible that it is all these circumstances which must have led her to react in the manner in which she has. However, this is only to understand as to whatever has been her conduct. We strongly deprecate her conduct, her utterances and her actions as recorded in the order passed by the Division Bench. However, noting, as stated above, the fact that she is a person of senior age, not in good health and in a long drawn matrimonial dispute, we accept the apology which she has tendered. She has assured us that it is an unconditional apology

and she means what is recorded in the affidavit that she has tendered to us. We make it clear to her that this order will remain on the record of L.P.A. 19 and 20 of 2002 and if there is any such repetition of either utterances or conduct in future, she should rest assured that appropriate action will be taken forthwith. The notice for contempt is discharged.

4. Contempt Petition stands disposed of.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)